THE HON'BLE SRI JUSTICE V.ESWARAIAH

WRIT PETITION No.13764 of 2006

Between:

Chalamkuri Veeranna.

.. PETITIONER

and

The Superintendent of Police, Eluru and another.

..

RESPONDENTS

-

-

-

-

-

-

-

-

-

-

-

-

-

-

-

ORDER:

It is the case of the petitioner that he never made any complaint

before the Mandal Revenue Officer, Tadepalligudem Mandal, West Godavari District-4th respondent, making allegations against one Mr.Kishore and his followers about their illegal actions. However, the petitioner was called by the 3rd respondent on 20-06-2006 and obtained his signature on blank paper. Basing on the said signatures, the complaint, dated 30-06-2006, was drafted, as if he filed before the 4th respondent. It is stated that after forwarding the said complaint by the 4th respondent, the 3rd respondent registered a case in FIR.No.116 of 2006 against Mr.Kishore.

It is the case of the petitioner that he never made any complaint against Mr.Kishore and, therefore, the question of registering the said FIR does not arise.

If that be so, the petitioner ought to have filed another representation before the respondents or superior officials of police so as to enable them to conduct enquiry and to take appropriate action. But, without making any representation before the respondents or superior officials of police, approaching this court under Article 226 of the Constitution of India, is not just and proper.

However, in the counter filed by the 3rd respondent, he denied all the aforesaid averments. Therefore, I am of the opinion that the said disputed question of fact cannot be decided in this writ petition.

Accordingly, the writ petition is dismissed. There shall be no order as to costs.

_____

09-03-2007

Prv